

IN THE DISTRICT COURT HELD AT SOMANYA ON THURSDAY THE
19TH DAY OF JANUARY, 2023 BEFORE HIS WORSHIP MICHAEL DEREK
OCLOO

SUIT NO: A4/135/2023

ABRAHAM ADJANOR } PETITIONER

VRS

EVELYN DEDE AYERTEY } RESPONDENT

PETITIONER : PRESENT

RESPONDENT : ABSENT

JUDGEMENT

The Petitioner commenced the instant action against the Respondent for the following reliefs:

1. Dissolution of the marriage between him and the Respondent.
2. An order for the grant of custody of the children of the marriage.

An Affidavit of non-service was filed indicating that the Respondent is out of jurisdiction as such the Petitioner filed an Ex-parte Motion for the grant of an order to serve the Respondent with the Hearing Notice and other documents by way of Substituted Service.

The Court granted the Motion per its Ruling and same was executed but the Respondent was unable to appear in Court.

The Petitioner was therefore ordered to file his Witness Statement which he did.

In the evidence of the Petitioner, per his Witness Statement, he stated that he is a staff of the National Disaster Management Organization of the Yilo Krobo Municipal Assembly and the Respondent used to be a staff of the Information Services Department of the same Assembly. He added that they got married at the Apostolic

Church Ghana, Raoma Assembly, Djaba road Somanya on 29/12/2012 and the marriage is blessed with 4 children namely Denzel Adjanor (9 years), Graham Adjanor (7 years), Lauri-Jay Thywill Adjanor and Lourie Anne Kristoidea who are 4 years each.

According to the Petitioner the Respondent abandoned the marriage and the children and left the country without his notice and permission as such he has no idea of the exact country she has travelled to and does not know the purpose and duration of the travel for the past 2 years. He added that the Respondent left a note which described the marriage as shameful and bad.

In conclusion he stated that the children have since been in his custody and prayed the Court to grant him custody of the children.

In the evidence of PW1 Isaac Tetteh Adjanor he stated that the Petitioner is his son, He added that after some years in the marriage, the Petitioner informed him that the Respondent had abandoned him and the children and travelled to an unknown destination. He then sent some family members to the parents of the Respondent to make enquiries pertaining to the whereabouts of the Respondent but there was no proper information from that direction. He concluded that he accompanied the Petitioner to do further enquiries about the whereabouts of the Respondent but nothing fruitful came out of it.

I must add that the marriage certificate was admitted in evidence and marked as Exhibit A.

The Legal issue for determination by the Court is whether or not the marriage has broken down beyond reconciliation.

Section 2 of the Matrimonial Causes Act 1971 (Act 367) provides that for the purpose of showing that a marriage has broken down beyond reconciliation the Petitioner shall satisfy the Court of one or more of the following facts:

2(1) (b) That the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the respondent.

(c) That the Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of the petition.

(d) That the Parties to the marriage have not lived as man and wife for a continuous period of at least two years immediately preceding the presentation of the Petition.

Evidence adduced during hearing is indicative of the fact that the Respondent vacated the matrimonial home without the knowledge and permission of the Petitioner. By this conduct the Petitioner cannot reasonably be expected to live with the Respondent.

Also the Respondent has deserted the Petitioner for 2 years during which the Petitioner had catered for the 4 children of the marriage alone.

Furthermore both the Petitioner and the Respondent have not lived as man and wife for a continuous period of at least two years. By extension there has been the absence of quality time between the parties.

It is my finding after considering all the evidence adduced that the marriage that the marriage has broken down beyond reconciliation.

In the circumstance I hereby declare the Ordinance marriage between **ABRAHAM ADJANOR** herein referred to as the Petitioner and **EVELYN DEDE AYERTEY** herein referred to as the Respondent duly dissolved in default of appearance of the Respondent.

OCLOO

F. T.

(SGD)
H/W MICHAEL DEREK

(MAGISTRATE)
19/01/2023